SINGLE BENCH (2)

CF 100 2 (5)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.S.No. 1382 /2007

PETITIONER : Chandresh Kumar Rathia, aged about 36 years, S/o Chamra Singh Rathia Working as L.D.T. Govt. Praimary School galimar, block - Dharamjaigarh Distt. Raigahr (C.G.)

P.R. No. 16/6/07 (Manoj Kumar)
Presented by 26/2/07
dated

VERSUS

RESPONDENT: :

1. State of C.G. Through. Secretary, Tribal welfare Dipartment, Mantralaya D.K.S. Bhawan, Raipur (C.G.)
2. Commissioner, Tribal welfare Department, pt R.SS. University Campus Raipur, District - Raipur (C.G.)
3. Asst. Commissioner, Tribal welfare Department, Distt- Raigarh. (C.G.)

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OATH COMMISSIONER
APARNA MALVIYA
CG 20/2002
11/04/07
Bilaspur Chhattisgarh

PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI ETC. DIRECTION/ ORDER OF LIKE NTURE ETC :-

(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1382 of 2007.

Petitioner : Chandresh Kumar Rathia.

Versus

Respondents : State of Chhattisgarh & Others

Present: Shri Amit Kumar Sharma, Advocate for the petitioner.
Shri Sushil Dubey, Government Advocate for the State / respondents.

ORDER
(Passed on 9th of March, 2007)

1. The petitioner was appointed in the year 1993 as Assistant Teacher on a fixed pay scale of Rs. 1200/-. After completion of two year probation, he was granted regular pay scale of Rs. 1200-2040/-.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to

(42)

regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P. (S) No. 4725/ 2006) by order dated 1.9.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Amar Sai Ram & others Vs. State of Chhattisgarh & others (Supra).

6. In view of that, this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit